

Home: Many questions exist about Sacred Heart

Continued from NEWS-1

7-28-99

handed out late several times.

"We are concerned with what's going on in the facility," said Lori McLean, a Health Services official. She said financial problems often lead to health care problems.

The Health Services department stepped in this month to monitor living conditions at the home after receiving calls from the nursing home's administrator and residents' family members.

"The department doesn't know why paychecks are late; and the investigation is ongoing," McLean said.

Staff shortages

On July 14, when paychecks were four days late, none of Sacred Heart's nursing assistants showed up for work, said Tory Ocampo, the administrator of the home. The assistants make \$8 to \$9 an hour to feed and clean residents and change diapers for the ones who are incontinent. That morning, nurses and administrators, including Ocampo, had to pitch in.

"My priority is patient care," Ocampo said.

He alerted the Health Services department to the paycheck and staffing problems that same week, he said.

When workers call in sick or quit, Ocampo calls a temporary service for replacements, but said they do not always show up.

Asked if the staffing shortages affected resident care, Ocampo said not really, but then added, maybe a little.

'It's been a nightmare'

The situation at Sacred Heart has Rhonda Carr of Oakland worried about her mother.

"My mother has been in there one year, and it's been a nightmare," Carr said.

Carr recently submitted a nine-page report of complaints to the Health Services department, along with photos she took of several residents, showing bed sores, diaper rash and toenails allowed to grow to 1-inch long.

Carr wrote in her complaint that on July 2 only four nursing assistants were on duty to care for 70 or more residents. Two of the assistants were temporaries, she said, unfamiliar with patients' individual needs. Industry standards would require at least five nursing assistants for that many residents. The home has 82 beds.

☐ For more information

► Report complaints about nursing homes to the **Department of Health Services**: (510) 540-2417

► **Ombudsmen, Inc.** monitors nursing homes and mediates problems between residents and staff. Oakland office: (510) 465-1065. The organization is seeking volunteers.

► The **California Advocates for Nursing Home Reform** maintains a Web site of nursing homes, with violation statistics: www.canhr.org. Call: (415) 474-5171.

► Report pay problems to the **Labor Standards Enforcement** office: (415) 703-4810.

to run this place like it should be," said Minnie Miller of Union City.

Presented as troubleshooters

Rhonda Carr said the owners presented themselves as troubleshooters who turn around failing nursing homes. Robert Fisher appeared to be in charge of the owners group, she said, and met with family members last September, taking notes on their concerns.

But by this time, Robert Patrick Fisher was on his way to prison.

In 1996, Fisher was arrested at his law offices in Scotts Valley on fraud charges, according to the Santa Cruz County Sentinel.

He was disbarred in August 1997. In March 1998 he pleaded guilty in federal court to three counts of fraud in exchange for a reduced prison sentence of 33 months, court records show. Eight other fraud counts were dismissed.

Fisher was sentenced to prison in August 1998, one month before he appeared at Sacred Heart. He entered a federal prison camp outside Bakersfield in October.

During this same time period, corporate records trace Fisher's involvement with the health care company. Records with the California Secretary of State show that Sierra Redwoods Healthcare, based at Fisher's law offices in Scotts Valley, tried to incorporate in California in 1996, but the check for fees bounced.

"People were lying in urine and feces, residents were yelling, bells were going off — it was the worst night I've ever seen," Carr said.

Minnie Miller of Union City, whose mother also lives at Sacred Heart, remembered that night, too.

"I stayed until two in the morning, making sure Mama got taken care of," Miller said.

The Health Services department would not yet comment on Carr's report.

Care history

Last August Sacred Heart was fined \$9,000 by the Health Services department for a similar problem. In that case, a resident was left to lie in her own urine and feces and developed bed sores that were inadequately treated, according to department records.

Sacred Heart, formerly called Saint Joseph Convalescent Hospital and located at 18949 Redwood Road, has had a poor record in recent years, Health Services records show. The nursing home has changed ownership twice since 1997.

Last year Sacred Heart received nine citations from the Health Services department, three categorized as "posing a threat of serious harm or death" to residents. Fines due — but not paid — total \$29,500.

According to the California Advocates for Nursing Home reform, the state average is less than one citation per facility annually, and, ideally, a facility should have none.

Deficiencies found during Health Services inspections numbered 131 in 1998 — more than seven times the state average. The record was worse the year before, with 186 deficiencies.

The nursing home's former owner, Hermingilda Manuel of San Leandro, has been sued at least twice for outstanding debt. Manuel did not return calls.

New ownership

Last September, Manuel sold Sacred Heart to a company called Aspire Hospital of Castro Valley based in Scotts Valley.

According to Health Services files, Aspire's officers are Richard Butler, Ronald Fisher and Patricia Fisher. But several workers and family members of residents are under the impression that Robert Fisher, Ronald's brother, also is an owner.

Robert Fisher, along with Ron Fisher and Rick Butler, visited Sacred Heart after Aspire took over, said workers and family members.

"They promised all of us they were going

In 1997, after Fisher's arrest, Sierra Redwoods Healthcare incorporated in Delaware, and in 1998 Delaware records list him as an officer.

In August 1998, the owners of Aspire Hospital of Castro Valley, applied for a nursing home license to buy Sacred Heart.

"They're supposed to disclose who the principal parties are of the parent corporation," said Lori McLean, the Health Services official.

The Sacred Heart file names Sierra Redwoods Healthcare as a parent company, but fails to list officers.

State law also requires nursing home license applicants to be of reputable and responsible character.

"If they've been convicted on felonies, we wouldn't consider them reputable," McLean said.

Health Services officials will meet with the Sacred Heart owners, McLean said, and ask for clarification on the ownership.

McLean said that nursing home licenses can be revoked if violations of the application requirements are found, along with care problems at the home.

If the department finds no violations, but does find serious financial problems, the state could encourage the owners to sell the facility or, as a last resort, could close the nursing home.

Aspire's official owners either could not be reached or declined comment.

Ronald Fisher did not return calls made to Aspire's corporate office in Santa Cruz County. Co-owner Rick Butler's Stockton telephone number is unlisted.

Patricia Fisher, who is listed as an owner of Sacred Heart, said she is the mother of Ronald Fisher, but has nothing to do with the nursing home.

"If I'm listed there, it's an error," she said in a telephone interview.

Prison officials said Robert Fisher could not be reached. Fisher's lawyer, Paul Meltzer, declined to comment.

Rhonda Carr, whose mother lives at Sacred Heart, said while she was unaware of Robert Fisher's background, she is disappointed with the new owners.

"He gave everybody his number and said 'We're here to help,'" Carr said.

She shook her head. "We never heard from him again."

The Santa Cruz County Sentinel contributed to this story.